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OFFICE OF PETITIONS

In re Patent No. 7,112,667
Issued: September 26, 2006
Application No. 09/640,582
Filed: August 17, 2000
Attorney Docket Number: 205970

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ON PETITION

This is a decision on the petition filed December 6, 2006 under 37 CFR 3.81(b)¹ and for a certificate of correction under 37 CFR 1.323, to correct the assignee's name on the front of the Patent.

The petition is **DISMISSED**.

Petitioner argues that the name of the assignee was incorrectly noted on the Issue Fee Transmittal (PTOL-85B) filed August 22, 2006 and that it should be FORSCHUNGSZENTRUM JUELICH GMBH as recorded December 6, 2000 at Reel No. 011296/Frame No. 0162, and not FORSCHUNGSZENTRUM JULICH GMBH. Accordingly, petitioner argues that the Patent incorrectly issued in the name of FORSCHUNGSZENTRUM JULICH GMBH and requests that a certificate of correction be issued to correctly identify the assignee as FORSCHUNGSZENTRUM JUELICH GMBH.

U.S. Patent and Trademark Office assignment records however disclose that the assignment to FORSCHUNGAZENTRUM JULICH GMBH was recorded on November 20, 2000 and that the spelling was corrected/recorded on February 20, 2001 to FORSCHUNGSZENTRUM JULICH GMBH. However, the name of the assignee was not corrected/recorded as FORSCHUNGSZENTRUM JUELICH GMBH as requested in the instant petition. What is printed on the face of the patent is the information printed on the PTOL-85(b). A certificate of correction would be in order if the information provided on the PTOL-85(b) was different from that included in the Office assignment records and it could be proven that the correct assignment information was recorded prior to the payment of the issue fee.

¹ See Official Gazette of June 22, 2004

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

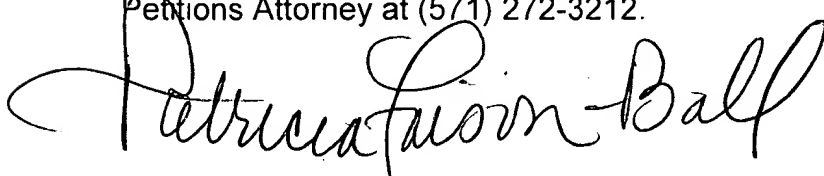
Petitioner may seek to correct the assignment records with the Assignments Branch, however, given the above, a petition to issue a certificate of correction in this instance would not be appropriate since the assignment was recorded precisely as filed and the patent issued in the name of the assignee as it was indicated on the Issue Fee Transmittal.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with large, connected letters.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions